

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:08CR3072
)	
v.)	
)	ORDER
ELISEO GARCIA-JIMINEZ,)	
)	
Defendant.)	

IT IS ORDERED,

Plaintiff's motion to continue, [filing 16](#), is granted and,

1. Trial of this matter is continued to 9:00 a.m., January 12, 2009, before the Honorable Richard G. Kopf in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be held at commencement of trial.

2. The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between July 30, 2008 and January 12, 2009 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the witness's presence cannot be secured with due diligence of counsel, and the fact that the failure to grant additional time might result in a miscarriage of justice. [18 U.S.C. § 3161\(h\)\(3\)\(A\)](#).

Dated July 30, 2008.

BY THE COURT

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge